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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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| UNITED STATES OF AMERICA, |) | 2:09-CR-502-KJD (PAL) |
| |) | |
| Plaintiff, |) | |
| |) | GOVERNMENT'S REQUEST FOR A |
| v. |) | COURT ORDER AUTHORIZING THE |
| |) | RELEASE OF DISCOVERY |
| DENNIS JAMES GRAVES, |) | MATERIALS |
| |) | |
| Defendant. |) | |

CERTIFICATION

This motion is being filed in a timely manner. The requested Order is related to the early disclosure of discovery materials prior to trial. Trial in this matter is currently set for Monday, October 4, 2010.

Comes now, the United States of America, by and through it's attorney, Daniel G. Bogden, United States Attorney, and Lucas M. Foletta, Assistant United States Attorney, moving this Honorable Court for an Order authorizing the release of discovery materials prior to trial. The Government hereby moves this Court for authorization to release a copy of the Grand Jury transcript in this case. That transcript is subject to rules regarding Grand Jury secrecy; however, it contains the sworn testimony of a witness who is expected to testify at trial. Therefore the transcript is subject to disclosure pursuant to 18 U.S.C. § 3500. Although the Grand Jury materials

1 are not subject to mandatory disclosure until after that witness testifies at trial, the Government is
2 requesting authorization for early disclosure as a courtesy to defense counsel.

3 Wherefore, the Government respectfully requests that this Court enter a pre-trial order
4 authorizing the early release of Grand Jury material.

5 Respectfully Submitted this 22nd day of September, 2010.

6 DANIEL G. BOGDEN
United States Attorney

7 /s/ Lucas M. Foletta

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9 Lucas M. Foletta
Assistant United States Attorney

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11 **CERTIFICATE OF ELECTRONIC SERVICE**

12 This is to certify that the undersigned has served counsel for Defendant Dennis Graves,
13 Richard Boulware, Esq., with the foregoing by means of electronic filing.

14 /s/ Lucas M. Foletta

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16 LUCAS M. FOLETTA
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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|---------------------------|---|-----------------------|
| UNITED STATES OF AMERICA, |) | 2:09-CR-502-KJD (PAL) |
| |) | |
| Plaintiff, |) | ORDER |
| |) | |
| v. |) | |
| |) | |
| DENNIS JAMES GRAVES, |) | |
| |) | |
| Defendant. |) | |

This Court, having reviewed the Government's pleading related to pre-trial discovery matters hereby enters the following Order related to pre-trial disclosure in the above-captioned case:

IT IS HEREBY ORDERED, that the Government is authorized to release copies of the Grand Jury transcript to defense counsel as early discovery pursuant to 18 U.S.C. § 3500.

IT IS SO ORDERED:



Hon. PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE

DATED: September 24, 2010